

Remarks/Arguments:

Claims 1-11 are pending and stand rejected. By this response, claims 1, 9 and 10 are amended, and claims 12-13 are added.

No new matter is presented by these claim amendments. Support for the claim amendments can be found throughout in the original specification and, for example, in the original specification at page 11, lines 2-5; page 12, line 18-page 13, line 4; page 15, line 19-page 16, line 7; page 18, second paragraph and FIGs. 1-3.

Rejections under 35 U.S.C. §103(a)

In the Office Action, at item 2, claims 1-11 are rejected under 35 U.S.C. §103(a) as unpatentable over Choi (U.S. Patent No. 6,985,191) in view of Lee et al. (U.S. PG Pub. 2003/0163746, hereafter referred to as Lee).

Applicant respectfully submits that this rejection is overcome by the amendments to the claims for the reasons set forth below.

Applicant's invention, as recited in claim 1, includes features not disclosed or suggested by the cited prior art, namely:

... a disk section ...

... a processing section ...

... a disk start controller which controls said disk section and said processing section ...

... a storage section of storing a flag indicating one of a disk start disabling mode or a disk start enabling mode ...

... a disk start mode setting section of setting an operating mode of the disk section between the disk start disabling mode in which said disk section is not powered ON and the disk start enabling mode in which said disk section is powered ON ...

... said disk start controller, responsive to the disk apparatus being power ON,

(1) carries out control so as to apply power to said processing section without applying power to said disk section when said storage section stores the flag indicating said disk start disabling mode, and

(2) carries out control so as to apply power to said disk section and said processing section when said storage section stores the flag indicating said disk start enabling mode.

That is, when the storage section stores a flag indicating one of a disk start disabling mode or a disk start enabling mode, the disk start mode setting section sets an operating mode of the disk section between i) the disk start disabling mode in which the disk section is not powered ON and ii) the disk start enabling mode in which the disk section is powered ON. Furthermore, when the storage section stores the disk start enabling mode, the disk start controller carries out control to apply power to the disk section and the processing section such that i) when the storage section stores the flag indicating the disk start disabling mode power is applied to the processing section without applying power to the disk section, and ii) when the storage section stores the flag indicating the disk start enabling mode power is applied to both the disk section and the processing section.

The Office relies on Choi as disclosing two modes. "The first is the normal mode whereas the second is the power saving mode. ... [I]n the normal mode, power is applied to both the disk section and the processing section ..." The Office readily admits that Choi "shuts off power to both the disk section and the processing section unlike the present invention that only shuts power off to the disk section." Applicant notes that the selection of the normal mode or the power saving mode in Choi is based on reserve-recording conditions (including the time of recording a particular broadcast).

To make up for this admitted deficiency, Lee is relied upon as "[disclosing] a power down mode which is similar to the disabling mode of the present invention because in the power down mode, power is [sic] to the disk section is turned off whereas there is still some power in the processing section...." Applicant respectfully disagrees with this overly broad interpretation of Lee and notes that Lee requires that a separate PC is connected to the optical disk drive which is powered during either the normal mode or the power-down mode.

None of the cited references disclose or suggest, however, the use of a flag indicating one of a disk start disabling mode or a disk start enabling mode. For example, as shown in FIG. 4 of Choi, a first time is recorded for the start of recording and a second time is recorded for the end of such recording. These times are not flags and must be matched to the current time to indicate the operational mode (enabled or disabled) of the Choi central processing unit. Regarding Lee, there is no mention of any flag being stored to indicate disk enabling or disabling mode.

Accordingly, claim 1 is submitted to patentably distinguish over the combination of Choi and Lee for at least the reasons set forth above. Applicant respectfully requests therefore that the rejection of claim 1 as being unpatentable over Choi in view of Lee be withdrawn and the claim allowed.

Although not identical, Claim 9 includes similar features to those of claim 1 and, thus, is likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

Claims 2-8 and 10-11 depend upon allowable claim 1 or 9 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claims 1 and 9.

Claim 12 and 13 are added and depend upon allowable claim 1. Further each of claims 12 and 13 include features not disclosed or suggested by the cited prior art, namely:

... the flag corresponds to mode information and wherein the mode information indicating said disk start disabling mode is set in the disk start mode setting section responsive to installation of the disk apparatus and is reset to the mode information indicating said disk start enabling mode after the installation of the disk apparatus. (claim 12)

... the disk apparatus is configured to accept input from a user to reset the stored mode information to indicate said disk start enabling mode after the installation of the disk apparatus. (claim 13)

Applicant respectfully submits, therefore, that claims 12 and 13 are allowable over the cited prior art. Entry and allowance of claims 12 and 13 is respectfully requested.

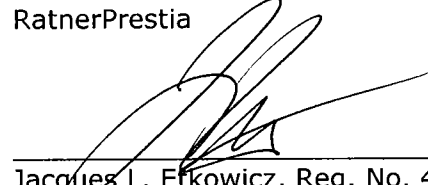
Application No.: 10/528,793
Amendment Dated May 10, 2010
Reply to Office Action of January 20, 2010

MTS-3553US

In view of the claim amendments and remarks set forth above, Applicant submits that the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

RatnerPrestia



Jacques L. Etkowicz, Reg. No. 41,738
Attorney for Applicant

JLE/dmw

Dated: May 10, 2010

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

NM612399